PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 34 LCA 78.

Bangalore, dated 26th June 1978.

Ordered that the Coal Mines Nationalisation Laws (Amendment) Act, 1978 (No. 22 of 1978) published in Part II. Section 1 of the Gazette of India Extraordinary dated 29th May, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 29th May 1978/Jyaistha 8, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 27th May, 1978, and is hereby published for general information :—

THE COAL MINES NATIONALISATION LAWS (AMENDMENT) ACT, 1978

No. 22 of 1978 [27th May, 1978]

An Act further to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Coal Mines Nationalisation Laws (Amendment) Act, 1978.

2. **Amendment of section 3 of Act 36 of 1972** :—In section 3 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act).—

(*i*) in clause (*b*), in sub-clause (*vi*) for the *Explanation*, the ollowing *Explanation* shall be substituted, and shall be deemed to

have been substituted with effect from the 1st day of May, 1972, namely:—

'*Explanation*.—The expression "current assets" does not include,—

(*a*) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day;

(*b*) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, (19 of 1952) prior to the repeal of the said Act, with respect to any period before the appointed day ;

(*c*) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coke oven plant ;

(*d*) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills ;

(*e*) earnest money deposited by the owners with the Railways for obtaining contracts;'.

(*ii*) in clause (*j*), in sub-clause (*xi*), for the *Explanation*, the following *Explanation* shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1972, namely :—

'*Explanation* :—The expression "current assets" does not include,—

(*a*) dues representing the sale of coal and coal products effected at any time before the appointed day and outstanding immediately before the said day ;

(*b*) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (19 of 1952) prior to the repeal of the said Act, with respect to any period before the appointed day;

(*c*) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coking coal mine ;

(*d*) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payments of bills;

(*e*) earnest money deposited by the owners with the Railways for obtaining contracts;'.

be deemed to have beeninserted with effect from the 1st day of May, 1972, namely:—

"24A. **Interest on admitted claims.**—Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coking coal mine or coke oven plant, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 21.".

8. **Insertion of new section 25A.**—After section 25 of the Coking Coal Act, the following section shall be inserted, namely:

"25A. **Notice to owners of coking coal mines or coke oven plants and managing contractors etc.**—(1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coking coal mines or coke oven plants, the managing contractors and the owners of any machinery, equipment or ther property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coking coal mines or coke oven plants may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of there being a doubt or dispute as to the right to the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (1) of section 26 ".

9. **Amendment of section 27.**—In section 27 of the Coking Coal Act, for the words "which remains undisbursed or unclaimed after such payment for a period of three years", the words "which remains undisbursed or unclaimed for a period of three years from the day on which the last order for disbursement was made" shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of March, 1976.

10. **Amendment of section 2 of Act 26 of 1973.**—In section 2 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act), in clause (h), for sub-clause (xii), following sub-clause shall be substituted, and shall be deemed to have been substituted with effect from the 1st day of May, 1973, namely:—

(xii) all other fixed assets, movable and immovable, belonging to the owner of a mine, wherever situated, and current assets.

belonging to a mine, whether within its permises or outside.

Ex lanation.—The expression "current assets" does not include,—

(a) dues representing thes ale of coal and cool products effected at any time before the appointed day and outstanding immediately before the said day;

(b) dues from the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952, 19 of 1952. prior to the repeal of the said Act, with respect to any period before the appointed day;

(c) dues from sundry debtors, loans and advances to other parties and investments, not being investments in the coal mine

(d) security deposits made by the owners with the Coal Controller appointed by the Central Government or with the Railways for the fulfilment of contracts or with a State Electricity Board for the payment of bills;

(e) earnest money deposited by the owners with the Railways for obtaining contracts;".

11. Amendment of section 18.—In section 18 of the Coal Mines Act, in sub-section (2), for the words "any period, after the appointed day,", the words 'the period" shall be substituted.

12. Insertion of new section 19A.—After section 19 of tho Coal Mines Act, the following section shall be inserted, namely :—

19A. Validation of certain collections.—(1) Nothwithstanding anything contained in section 2, as amended by section 10 of the Coal Mines Nationalisation Laws (Amendment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with thh date specified under seb-section (3) of section 19 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall be applied in accordance with the provisions of section 19.

(2) Any money collected as aforesaid shall not be called in question in any court of law.".

13. Amendment of section 20.—In section 20 of the Coal Mines Act,—

(a) in sub-section (2),—

(i) after the words and figures "the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948;", (46 of 1948.) the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely :—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any

group of such persons, by any Trade Union, registered under the Trade Unions Act, 1926, (16 of 1926) or, where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;";

(ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely:—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him,".

(b) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1975, namely:—

"(3) Where any claim, not being a claim which was timebarred on the 31st day of January, 1973, was preferred under sub-section (1) within the period specified thereof and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in section 23.".

14. **Amendment of Section 23**.—In Section 23 of the Coal Mines Act,—

(a) after sub-section (6) the following sub-section shall be inserted, namely:—

"(*6A*) The Commissioner may, on receipt of a claim,—

(*a*) elect to settle the claim himself; or

(*b*) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 17; or

(*c*) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 17.";

(*b*) in sub-section (7),—

(*i*) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision", the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal within a period of sixty days from the date of the decision," shall be substituted;

(*ii*) after the proviso; the following further proviso shall be inserted, namely :—

"Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date."

15. Insertion of new section 23A —After section 23 of the Coal Mines Act, the following section shall be inserted, namely :—

Application of sections 5 and 12 of the limitation Act.—"23A. The provisions of sections 5 and 12 of the Limitation Act, 1963, (36 of 1963) shall, so far as may be, apply to appeals under section 23".

16. Insertion of new section 24A - After section 24 of the Coal Mines Act, the following section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1973, namely :—

Interest on admitted claims. —"24A. Notwithstanding any award, decree or order of any court, tribunal or other authority, passed before the appointed day, in relation to any coal mine, where any amount is payable in respect of a claim admitted under this Act, the interest payable on such amount for any period after the appointed day shall be at such rate not exceeding the rate of interest accruing on any amount deposited by the Commissioner under section 18."

17. Insertion of new section 25A.—After section 25 of the Coal Mines Act, the following section shall be inserted, namely :—

Notice to owners of coal mines and managing contractors, etc. "25A. (1) After meeting the liabilities of persons whose claims have been admitted under this Act, the Commissioner shall notify, in such manner as he may think fit, the amount of money available with him and specify in such notification a date within which the owners of the coal mines, the managing contractors and the owners of any machinery equipment or other property which has vested in the Central Government or a Government company under this Act and which does not belong to the owners of the coal mines may apply to him for payment.

(2) Where any application is made under sub-section (1), the Commissioner shall, after satisfying himself as to the right of the applicant to receive the whole or any part of the amount, pay the amount to the person concerned and in the event of their being a doubt or dispute as to the right of the person to receive the whole or any part of the amount, the Commissioner shall deal with the application in the manner specified in sub-section (2) of section 26."

18. **Amendment of section 27.**—In section 27 of the Coal Mines Act, for the words "three years from the last day on which the disbursement was made", the words "three years from the day on which the last order for disbursement was made" shall be substituted.

19. **Amendment of section 30.**—In section 30 of the Coal Mines Act, in sub section (2), for the words "with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees", the words "with imprisonment for a term which may extend to three years and also with fine which may extend to twenty thousand rupees" shall be substituted.

20. **Claims made on behalf of workmen by Trade Union, etc., to have effect.**—Every claim made before the date on which this Act receives the assent of the President, on behalf of all or any of the persons employed by the owner of—

(a) a coking coal mine or group of coking coal mines or a coke oven plant; or

(b) a coal mine or group of coal mines,

or on behalf of a group of such persons; by a Trade Union registered under the Trade Unions Act 1926. (16 of 1926) or the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him, against such owner, and every action taken in relation to such claim shall be deemed to have been made or taken in the case of a coking coal mine or a coke oven plant, in accordance with the provisions of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972) and in the case of a coal mine, in accordance with the provisions of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973) as amended by this Act, as if the relevant Act, as amended by this Act, were in force at all material times.

S. HARIHARA IYER,

Secretary to the Government of India